

Message Text

CONFIDENTIAL

PAGE 01 EC BRU 12344 01 OF 03 151726Z
ACTION OES-06

INFO OCT-01 EUR-12 ISO-00 SSO-00 NSCE-00 USIE-00 INRE-00
AID-05 CEA-01 CIAE-00 COME-00 EB-07 FRB-03 INR-07
NSAE-00 CIEP-01 SP-02 STR-04 TRSE-00 LAB-04 SIL-01
OMB-01 DODE-00 DOTE-00 FMC-01 SAL-01 CG-00 DLOS-06
AGRE-00 L-03 /066 W

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FM USMISSION EC BRUSSELS
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C O N F I D E N T I A L SECTION 1 OF 3 EC BRUSSELS 12344

FOR OES/OFA-AMB. RIDGWAY

E.O. 11652: GDS
TAGS: EFIS, ICNAF, XN, US, EC, PLOS
SUBJECT: US/EC CONSULTATIONS ON GOVERNING INTERNATIONAL FISHERY
AGREEMENT (GIFA)

REF: (A) EC BRUSSELS 12235, (B) EC BRUSSELS 12236

1. SUMMARY: AFTER DISCUSSIONS ON DECEMBER 13 WITH EC COMMISSION STAFF IT APPEARED THAT ONLY MAJOR OBSTACLES TO FINALIZING AGREED GIFA TEXT WERE ARTICLE ON ANADROMOUS SPECIES OF U.S. ORIGIN AND AGREE MINUTE RE TRADITIONAL FISHERIES BY EC. IN SECOND MEETING WITH EC STAFF ON 14 DECEMBER GALLAGHER INFORMED GIFA DEL THAT EC UNABLE ACCEPT POSSIBILITY OF IMPRISONMENT OF FISHERMEN, WHICH THEREFORE RENDERED EC UNABLE TO ACKNOWLEDGE US LAW, THAT EC WOULD INSIST ON ARBITRATION AND THAT ANADROMOUS SPECIES ARTICLE UNACCEPTABLE WITH ANY REFERENCE TO JOINT MANAGEMENT BY EC AND US. GALLAGHER FURTHER NOTED THAT SINCE THE EC COULD NOT ACKNOWLEDGE US LAW, SEVERAL SECTIONS (NOTABLY PARA 4) OF THE INFORMAL NOTE DELIVERED BY HARDY DECEMBER 13 (REF B) WERE INCORRECT AND THE NOTE WAS, IN EFFECT, WITHDRAWN.

2. GALLAGHER ANNOUNCED THAT SINCE FRANCE NOT
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 EC BRU 12344 01 OF 03 151726Z

EXPECTED AFTER ALL TO EXTEND FISHERIES JURISDICTION

BEYOND 12 MILES OFF COAST OF FRENCH GUIANA, MARTINIQUE, GUADELOUPE AND REUNION BY JANUARY 1, 1977, NO AGREEMENT BETWEEN US AND EC NECESSARY IN IMMEDIATE FUTURE FOR US TO CONTINUE US FISHERIES. EXPLANATION OFFERED WAS THAT AS IN CASE NORTH ATLANTIC AND NORTH SEA, ONLY WHEN EC MEMBER STATE EXTENDS JURISDICTION DOES EC COMMON FISHERIES POLICY APPLY. SO AR, OF THE FIVE DEPARTMENTS OF FRANCE, FRANCE WILL PROBABLY EXTEND FISHERY JURISDICTION 200 MILES BY JANUARY 1 ONLY TO ST. PIERRE ET MIQUELON. (EVEN IF FRANCE WERE TO ACT WITH RESPECT TO FRENCH GUIANA ON JANUARY 1, GALLAGHER ASSURED US DEL THAT EC'S NEW (DECEMBER 13) AUTHORITY TO PERMIT FISHING FOR THREE-MONTH PERIOD (POSSIBLY RENEWABLE) WOULD BE EXERCISED SO AS TO PREVENT PROBLEM FOR U.S. SHRIMP FISHING). IN LIGHT OF ABOVE DEVELOPMENTS, GALLAGHER DID NOT PROVIDE U.S. DEL WITH COPY OF DRAFT EC AGREEMENT FOR U.S. FISHERIES IN APPLICABLE ZONES OF THE MEMBER STATES AS REQUESTED BY U.S., BUT STATED THAT U.S. REQUEST FOR A DRAFT AGREEMENT AND NEGOTIATING DATE CONSTITUTED RESPONSE TO EC NOTE, AND THAT HE CONSIDERED US AND EC HAD ENTERED INITIAL STAGE OF NEGOTIATIONS. END SUMMARY.

3. TWO PRIVATE MEETINGS WERE HELD DECEMBER 13 BETWEEN US GIFA DEL AND A. RYAN, NMFS/NEAA/C, AND EC OFFICIALS, TO DISCUSS US DRAFT GIA. FIRST WAS WITH EAMON GALLAGHER, DIRECTOR FOR EXTERNAL AFFAIRS, EC COMMISSION, RAYMOND SIMMONET, COMMISSION OFFICIAL RESPONSIBLE FOR FISHERIES NEGOTIATIONS, AND MICHAEL HARDY, COMMISSION LEGAL ADVISOR. SECOND MEETING WITH HARDY ONLY WAS CALLED INITIALLY TO DISCUSS EC MANDATE TO NEGOTIATE (REPORTED REFTELS), BUT WENT ON TO CLARIFY ISSUES IN GIFA REMAINING IN MORNING MEETING. AT END OF DECEMBER 13, ALL BRACKETS WERE REMOVED FROM US GIFA TO US SATISFACTION WITH EXCEPTION OF ARTICLE VII BIS AND US AGREED MINUTE ON EC ALLOCATIONS, AS NOTED BELOW IN PARA 3 AND 4.

4. ARTICLE VII BIS CONCERNS PROTECTION FOR ATLANTIC SALMON OF US ORIGIN WHICH MIGRATE TO EC WATERS OFF
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 EC BRU 12344 01 OF 03 151726Z

GREENLAND. EC PROPOSES THE FOLLOWING LANGUAGE:

QUOTE: ARTICLE VII BIS

IN THE INTEREST OF THE CONSERVATION OF ANADROMOUS SPECIES SUBJECT TO UNITED STATES FISHERY MANAGEMENT AUTHORITY, THE COMMUNITY WILL ENSURE THAT THE COMMON FISHERIES POLICY OF THE COMMUNITY WILL

REGULATE FISHING FOR ANADROMOUS SPECIES OF UNITED STATES ORIGIN WITHIN THE FISHERIES ZONE OF ITS MEMBER STATES, AND WILL DETERMINE, AFTER CONSULTATION WITH THE UNITED STATES, ALLOTMENTS FOR FISHING FOR ATLANTIC SALMON OF UNITED STATES ORIGIN AT SUCH LEVELS AS WILL ENSURE THE CONTINUED CONSERVATION OF THE STOCKS. UNQUOTE. EC WOULD NOT ACCEPT US PROPOSAL IN BRACKETED GIFA TEXT TO QUOTE PROHIBIT FISHING FOR ANADROMOUS SPECIES OF US ORIGIN WITHIN FISHERIES ZONES OF ITS MEMBER STATES, EXCEPT FISHING FOR ATLANTIC SALMON BY LOCAL FISHERMEN OF GREENLAND AT SUCH LEVELS, DETERMINED THROUGH CONSULTATIONS BETWEEN THE COMMUNITY AND THE UNITED STATES, AS WILL ENSURE THE CONTINUED CONSERVATION OF THE STOCKS. END QUOTE. THE EC OBJECTED TO ANY PROHIBITION ON FISHING IN THE EC ZONE, PREFERRING TO STATE THAT THE COMMUNITY WILL REGULATE SUCH FISHING AT LEVELS DETERMINED BY THE COMMUNITY AFTER CONSULTATIONS WITH THE US. US DEL MODIFIED ITS PROPOSAL TO ACCOMMODATE EC DESIRE TO REGULATE FISHING IN THE EC MEMBER ZONES, BUT INSISTED THAT THE LEVEL OF FISHING FOR ANADROMOUS SPECIES OF US ORIGIN IN EC MEMBER ZONES BE DETERMINED JOINTLY THROUGH CONSULTATION. THE US PROPOSAL IS: QUOTE:

ARTICLE VII BIS

IN THE INTEREST OF THE CONSERVATION OF ANADROMOUS SPECIES, THE COMMUNITY WILL ENSURE THAT THE COMMON FISHERIES POLICY OF THE COMMUNITY WILL REGULATE FISHING FOR ANADROMOUS SPECIES WITHIN THE FISHERIES ZONES OF ITS MEMBER STATES, AND WILL PRO-

CONFIDENTIAL

CONFIDENTIAL

PAGE 04 EC BRU 12344 01 OF 03 151726Z

VIDE THAT THE LEVEL OF FISHING FOR ANADROMOUS SPECIES OF UNITED STATES ORIGIN WILL BE DETERMINED JOINTLY BY THE UNITED STATES AND THE COMMUNITY THROUGH CONSULTATION. END QUOTE. FYI: US GIFA DEL CONSIDERED SUGGESTION BY OXMAN THAT US GIFA INCORPORATE US-DENMARK BILATERAL CONCERNING REGULATION OF ATLANTIC SALMON OF US ORIGIN IN TOTO. US GIFA DEL SEES PROBLEMS WITH THIS APPROACH FOR BOTH SIDES SINCE THE BILATERAL IS TIED TO ICNAF, BUT DECIDED TO RAISE IT FOR REACTION WITHOUT ANY FORMAL PROPOSAL, AT DECEMBER 14 MEETING WITH EC OFFICIALS. BY TIME THIS OCCASION AROSE, ISSUE WAS MOOT, AS INDICATED BELOW.

CONFIDENTIAL

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PAGE 01 EC BRU 12344 02 OF 03 151745Z

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AGRE-00 L-03 /066 W

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FM USMISSION EC BRUSSELS

TO SECSTATE WASHDC IMMEDIATE 2584

INFO ALL EC CAPITALS 2868

USMISSION NATO

C O N F I D E N T I A L SECTION 2 OF 3 EC BRUSSELS 12344

FOR OES/OFA-MAB. RIDGWAY

5. AGREED MINUTES. US PROPOSAL FOR AGREED MINUTE RE TRADITIONAL FISHING AS PRIMARY CRITERION IN ALLOCATING ANY SURPLUS AVAILABLE FOR FOREIGN FISHING TO MEMBER STATES OF COMMUNITY (I.E., FRANCE, ITALY AND FRG) WAS UNACCEPTABLE TO EC. US DEL EMPHASIZED IMPORTANCE OF CLARIFYING THIS POINT TO AVOID MISUNDERSTANDING OF US INTENT IN CONGRESS AND AMONG COMMUNITY MEMBER STATES. EC ACKNOWLEDGED IT WOULD FORWARD APPLICATIONS FROM ANY OF MEMBERS WISHING TO APPLY FOR FISHING IN US ZONE, BUT ARGUED THAT ARTICLE IV CRITERIA WERE ENOUGH TO PROTECT US CONCERNS AND ENABLE US TO REJECT PERMITS FOR NON-QUALIFYING VESSELS. US DEL PRESENTED FOLLOWING UNILATERAL STATEMENT IN FORM OF AGREED MINUTE DURING DECEMBER 14 MEETING:

QUOTE: PROPOSED MINUTE

THE REPRESENTATIVE OF THE UNITED STATES STATED THAT, IN LIGHT OF THE REDUCED CONDITION OF THE FISH STOCKS OFF THE COASTS OF THE UNITED STATES, ONLY THOSE COUNTRIES WHICH HAVE TRADITIONALLY FISHED OFF THE COASTS OF THE UNITED STATES MAY EXPECT TO QUALIFY TO RECEIVE A PORTION OF ANY SURPLUS AVAILABLE FOR FOREIGN FISHING UNDER THIS AGREEMENT IN THE FORESEEABLE FUTURE.
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 EC BRU 12344 02 OF 03 151745Z

END QUOTE. AS NOTED ABOVE, EC WOULD NOT ACCEPT AND SAID THAT, IF WE INSISTED ON MAKING UNILATERAL STATEMENT, THEY WOULD BE FORCED TO DO SAME TO EFFECT THAT DISCRIMINATION AMONG MEMBER STATES WAS UNACCEPTABLE. GALLAGHER SAID HE HOPED BOTH SIDES COULD AVOID THIS, WHICH WAS SUREST WAY OF CALLING CONGREG' ATTENTION TO PROBLEM. COMMENT: EC UNDOUBTEDLY FEELS IT MUST PROTECT ITS BARGAINING POSITION WITH CANADA, NORWAY, AND PRESUMABLY OTHER STATES TO EFFECT THAT EC FISHING RIGHTS IN THIRD COUNTRY WATERS MUST BE ON A NON-DISCRIMINATORY BASIS. END COMMENT. PREVIOUSLY, DURING DECEMBER 13 MEETINGS IT HAD BEEN AGREED THAT US/EC GIFA WOULD THUS CONTAIN ONLY ON AGREED MINUTE AS STATED ABOVE. OTHER PROPOSED MINUTES BY US (E.G., ATLANTIC SALMON) AND EC WERE CONSIDERED UNNECESSARY.

6. DISCUSSIONS OF EC MEMBER STATE ACCEPTANCE OF US REGISTRATION PERMITS, IF US IS TO REMAIN IN ICNAF FOR 1977, WERE HELD IN PRIVATE SESSION ON BOTH 13 AND 14 DECEMBER. SEVERAL KEY ISSUES SURFACED. US DEL NOTED THAT SEVERAL EC MEMBERS REPLIED TO US NOTE ON REGISTRATION PERMITS BY INDICATING THAT IN LIGHT OF ONGOINGUS/EC FIGA NEGOTIATIONS AND EC COMPETENCE IN AREA OF COMMON FISHERY POLICY, THEY WOULD NOT PROVIDE AN AFFIRMATIVE ANSWER TO THE US NOTE. US DEL EMPHASIZED THAT US NEEDS ACCEPTANCE OF REGISTRATION PERMITS IMMEDIATELY BY EACH COUNTRY FISHING OFF THE US COAST IN ICNAF DURING 1977. ELABORATION OF AND DISCUSSION OF THE DIFFERENCE BETWEEN US REGISTRATION PERMITS, UNDER ICNAF, AND PERMITS UNDER A GIFA CLEARLY INDICATED THAT EC OFFICIALS DID NOT FULLY UNDERSTAND THE DIFFERENCE, AS WELL AS THE PROBLEM THE US HAS REGARDING THE US DECISION TO LEAVE OR REMAIN IN ICNAF. THE EC OFFICIALS NOTED WITH INTEREST THAT IF THE US REMAINS IN ICNAF DURING 1977, US PROCEDURES UNDER A GIFA WOULD BE DELAYED FOR A YEAR, INCLUDING PAYMENT OF FEES, AND OBSERVER COSTS, AND THAT EC MEMBER HAVE 1977 QUOTAS ESTABLISHED IN ICNAF. FYI: DURING ICNAF DISCUSSIONS, EC OFFICIALS NOTED THAT THE COMMUNITY INTENDS TO PARTICIPATE IN THE RENEGOTIATION OF ICNAF AND TO BE A MEMBER OF THE CONFIDENTIAL

CONFIDENTIAL

PAGE 03 EC BRU 12344 02 OF 03 151745Z

SUCCESSOR TO ICNAF. THE OFFICIALS INDICATED FURTHER THAT ALL EC MEMBER COUNTRIES IN ICNAF WILL WITHDRAW FROM ICNAF EFFECTIVE DECEMBER 31, 1977, TO UNDERLINE THE EC MOVE TO PARTICIPATE IN THE NEW CONVENTION.

END FYI.

7. AT EC REQUEST ON DECEMBER 13, US DEL DISCUSSED POSSIBLE CRITERIA TO BE USED FOR SETTING FEES FOR FISHING UNDER US LAW, INCLUDING A FLAT FEE FOR GROSS REGISTERED TONS AND FEES BASED ON THE US LANDED VALUE OF THE ALLOCATION. A REPRESENTATIVE OF THE DEPARTMENT OF STATE INDICATED THAT TOTAL COSTS WERE UNDER REVIEW, BUT WOULD LIKELY BE IN THE RANGE OF 4-5 PERCENT OF THE US LANDED VALUE OF THE ALLOCATION. GALLAGHER EXPRESSED NO GREAT CONCERN IF FEES WERE ESTABLISHED AT THAT LEVEL.

8. DECEMBER 14 MEETING WITH GALLAGHER, SIMMONET AND HARDY HAD BEEN SCHEDULED AS PREPARATORY TO PLENARY DISCUSSION OF REMOVAL OF BRACKETS OALONG LINES DISCUSSED IN DECEMBER 13 MEETING WITH GALLAGHER, SIMMONET AND HARDY AND LATER MEETING WITH HARDY. WHEN GIFA DEL ARRIVED GALLAGHER ANNOUNCED THE EC UNABLE TO COUNTENANCE THE POSSIBILITY OF IMPROSONMENT OFFISHERMEN, BOTH ON BASIS OF CONFLICT WITH INTERNATIONAL LAW AND PRECEDENT IN WOULD ESTABLISH. SINCE EC CANNOT ACCEPT ARTICLE X IT CANNOT ACKNOWLEDGE US FISHERY CONSERVATION AND MANAGEMENT ACT. GALLAGHER INDICATED THAT HE RECOGNIZED THAT THIS CONSTITUTED A FUNDAMENTAL CHALLENGE TO US LAW. US DEL REPLIED THAT EC ACKNOWLEDGEMENT OF US LAW WAS BASIC REQUISITE FOR THE AGREEMENT.

9. GALLAGHER ALSO STRESSED IMPORTANCE OF ARBITRATION AND INDICATED REFERENCE TO DISPUTE SETTLEMENT ARBITRATION MACHINERY MUST BE INCLUDED IN AGREEMENT. HE CALLED ATTENTION TO US LOS POSITION ON DISPUTE SETTLEMENT. US DEL RESPONDED THAT ARBITRATION OF FDISPUTES IN AREA OF EXCLUSIVE U.S. AUTHORITY WAS NOT ACCEPTABLE TO DEPARTMENT NOR CONGRESS UNDER TERMS OF U.S. LAW.
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 EC BRU 12344 02 OF 03 151745Z

10. WITH RESPECT TO ARTICLE XII, PARA 2, GALLAGHER EXPRESSED EC UNDERSTANDING THAT CONSULTATIONS CALLED FOR IN ARTICLE XII APPLY TO THE ESTABLISHMENT OF ALLOCATIONS BUT WOULD NOT INSIST THAT THIS BE SPELLED OUT IN AGREED MINUTE.

11. THE MATTER OF REGISTRATION PERMITS WAS DISCUSSED, US DEL AGAIN EXPLAINING NECESSITY FOR ALL ICNAF MEMBERS TO RESPOND TO US INDICATING ACCEPTACNE OF US ISSUEANCE OF REGISTRATION PERMITS TO FISH UNDER

ICNAF. GALLAGHER INDICATED HE WOULD MAKE STATEMENT TO MEMBER STATES TO EFFECT THEY SHOULD PROMPTLY RESPOND. (EC HAD BEEN PROVIDED COPY OF U.S. NOTE FORWARDED STATE 278124 IN MID-NOVEMBER.)

CONFIDENTIAL

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PAGE 01 EC BRU 12344 03 OF 03 151818Z
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TO SECSTATE WASHDC IMMEDIATE 2585
INFO ALL EC CAPITALS 2869
USMISSION NATO

C O N F I D E N T I A L SECTION 3 OF 3 EC BRUSSELS 12344

FOR OES/OFA-AMB. RIDGWAY

12. US DEL ASKED IF COPY OF EC DRAFT AGREEMENT, PROMISED YESTERDAY, WAS AVAILABLE AND INQUIRED RE SCHEDULE FOR NEGOTIATION WITH RESPECT TO FRENCH GUIANA, ETC. GALLAGHER ANNOUNCED THAT DRAFT EC AGREEMENT NOT FINALIZED, AS IMPOSSIBLE TO PREPARE MIRROR IMAGE OF US AGREEMENT NOW THAT SO MUCH OF TEXT OF US/EC AGREEMENT DISPUTED. GALLAGHER THEN STATED THAT, AS OF NOW, NO AGREEMENT WAS NECESSARY WITH RESPECT TO FRENCH GUIANA ANYWAY, SINCE FRANCE IS NOT EXPECTED TO EXTEND FISHERY JURISDICTION OFF FRENCH GUIANA BY JANUARY 1 BEYOND CURRENT 12 MILES. WHEN US DEL ASKED WHAT HAPPENS AFTER JANUARY 1, GALLAGHER SAID POSSIBLY NOTHING AT ALL. WITH RESPECT TO AN EC/US AGREEMENT GALLAGHER STATED THAT DISCUSSION ON THIS SUBJECT IN CONTEXT THESE MEETINGS CONSTITUTE PRELIMINARY EXCHANGE OF VIEWS AND THAT FROM HIS STANDPOINT BOTH SIDES HAD AGREED TO NEGOTIATE.

13. GALLAGHER AND US DEL AGREED THAT, SHOULD THERE BE

INQUIRES FROM PRESS, WE WOULD RESPOND THAT NEGOTIATIONS WERE STILL OPEN AND, HAVING HEARD EACH OTHER'S FURTHER VIEWS DURING THESE STAFF TALKS, EACH SIDE WAS REFLECTING ON THEM. MISSION HAS RECEIVED INQUIRY
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 EC BRU 12344 03 OF 03 151818Z

FROM REUTERS ON DECEMBER 15 AND RESPONDED ALONG THESE LINES.

14. COMMENT: RESULT OF THIS WEEK'S SESSIONS CAN ONLY BE CHARACTERIZED AS VIRTUAL BREAKDOWN OF DISCUSSIONS, OR, AS GALLAGHER SAID, WE HAVE REACHED AN IMPASSE. AS OF CLOSE OF HARDY MEETING EVENING OF DECEMBER 13, GIFA DEL HAD THOUGHT ALL TEXTUAL ISSUES EXCEPT SALMON AND LIMITATION OF STATE TRADITIONALLY FISHING IN US WATERS WERE RESOLVED, A CONCLUSION BASED ON HARDY'S UNEQUIVOCAL ASSERTIONS AS WELL AS EARLIER GALLAGHER COMMENTS. WITHIN FIVE MINUTES AFTER DECEMBER 14 MEETING HAD BEGUN, IT WAS CLEAR THAT COMMISSION HAD HAD ITS GROUND CUT OUT FROM UNDER IT BY MEMBER STATES (WHO HAD MET WITH HIM EARLIER THAT DAY) REGARDING DIFFICULT AREAS OF TEXT REFERRED TO ABOVE, AND THAT, PROBABLY UNINTENTIONALLY, COMMISSION HAD MISLED US AS TO WHETHER FISHING OFF FRENCH DEPARTMENTS WOULD BE A PROBLEM AS OF JANUARY 1. IN RETROSPECT, COMMISSION SEEMS TO HAVE GOTTEN WELL OUT IN FRONT OF MEMBER STATES, AND MISINTERPRETED EXTENT OF SUPPORT THEY WOULD GENERATE WITH RESPECT TO CONCESSIONS ON KEY AREAS. WE DO NOT, OF COURSE, KNOW REASONS FOR THIS REGRESSION, BUT SUSPECT THAT THE POSSIBILITY OF SATISFYING THE FISHING INTERESTS OF SOME MEMBER STATES (E.G. FRG) IN U.S. WATERS WITHOUT IMMEDIATE CONCLUSION OF GIFA (VIA ICNAF) GAVE THE UPPER HAND TO MEMBER STATES WHO OPPOSED KEY PROVISIONS OF U.S. DRAFT BECAUSE OF LOS IMPLICATIONS AND/OR ADVERSE PRECEDENTIAL EFFECT RE OTHER FISHERIES AGREEMENTS CURRENTLY BEING NEGOTIATED WITH THIRD COUNTRIES.

15. IF U.S. DOES NOT REMAIN IN ICNAF, WE MIGHT SEE NEGOTIATIONS RESUMED SHORTLY, THOUGH MISSION IS INCLINED TO DOUBT THIS. GALLAGHER TOLD DCM PRIVATELY THAT FEDELING IN SEVERAL MEMBER STATES ABOUT ISSUES OF PRINCIPLE WAS VERY STRONG AND PROSPECT OF LOSS OF FISHERIES BY ONLY THREE MEMBERS WILL NOT BE SUFFICIENT TO OVERCOME THAT FEELING. GALLAGHER SAID THAT SOME STATES EVEN FELT THAT THEY WERE DOING US
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PAGE 03 EC BRU 12344 03 OF 03 151818Z

A FAVOR IN REJECTING, AT LEAST FOR NOW, AGREEMENT WHICH COMPROMISES BOTH THEIR AND OUR STATED POSITIONS IN LOS (ESPECIALLY ON ARBITRATION OF DISPUTES NOT RELATED DIRECTLY TO VIOLATIONS OF FISHING REGULATIONS).

16. SHOULD U.S. DECIDE TO REMAIN IN ICNAF, WE WOULD EXPECT A LONG HIATUS TO DEVELOP IN US-EC DISCUSSIONS ON GIFA. DURING THIS PERIOD, EC STRATEGY WOULD BE TO NEGOTIATE AS MANY AGREEMENTS AS THEY CAN WITH OTHER COUNTRIES, AFTER WHICH THEY MIGHT THEN BE READY TO ACCEPT POSSIBILITY OF IMPRISONMENT CALLED FOR BY ACKNOWLEDGEMENT OF U.S. LAW, SINCE PRECEDENT-SETTING IMPLICATIONS WOULD BE MINIMLA. ON ARBITRATION EC WOULD HOPE THAT LOS TREATY COULD BE CONCLUDED AT NEXT NEW YORK SESSION WITH SATISFACTORY RESULT AND THAT PROSPECT OF ACCEPTANCE BY CONGRESS (IN EFFECT AMENDING U.S. FISHERY LAWS) WOULD JUSTIFY REMOVING THEIR RESERVE.

17. MISSION RECOMMENDATION. DESPITE FACT THAT EC GETS BEST OF BOTH WORLDS SHOULD U.S. REMAIN IN ICNAF, WE STRONGLY RECOMMEND THAT USG DECIDE TO REMAIN FOR 1977. WE AGREE THAT SOME ASPECTS OF US FISH ALW COMPROMSE LONG-STANDING US POLICIES CONCERNING ARBITRATION OF DISPUTES ARISING OVER INCIDENTS ON HIGH SEAS AND BELIEVE EC POSITION OF PRINCIPLE ON THIS CAN BE HELPFUL IN GETTING THIS POSITION RE-ESTABLISHED IN US LAW. WHILE WE ARE DISAPPOINTED THAT WE COULD NOT REACH AGREEMENT, WE CONTINUE TO WANT TO AVOID SERIOUS DISPUTE BETWEEN US OVER FISHING AND BELIEVE THIS CAN BE ACCOMPLISHED AND OTHER ESSENTIAL US INTERESTS PRESERVED BY US DECION TO REMAIN IN ICNAF THROUGH COMING YEAR. HINTON

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